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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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02/09/2001

Stewart Correll

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7590

06/26/2003

KRAMER LEVIN NAFTALIS & FRANKEL LLP
INTELLECTUAL PROPERTY DEPARTMENT
919 THIRD AVENUE
NEW YORK, NY 10022

EXAMINER

WILLIAMS, THOMAS J

ART UNIT

PAPER NUMBER

3683

DATE MAILED: 06/26/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/780,782

Applicant(s)

CORRELL, STEWART

Examiner

Thomas J. Williams

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 May 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) 33-40 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,8-15,19-24 and 28-32 is/are rejected.
- 7) ☒ Claim(s) 2-7,16-18 and 25-27 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 February 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- ☐ Interview Summary (PTO-413) Paper No(s). _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

1. Acknowledgment is made in the receipt of amendment B filed May 6, 2003 and the change of address filed May 13, 2003.
2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on May 6, 2003 has been entered.
3. Claims 33-40 are drawn to non-elected inventions and are withdrawn from consideration.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1, 8-15, 19 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by US 1,937,511 to Crane.

Re-claim 1, Crane discloses a shock and vibration absorbing system, comprising: a first plate assembly (such as 5 and/or 10) attached to a first structure; a second plate assembly (such as 14) attached to a second structure; a plurality of cavernous members 7 and/or 7" of an elastic material; the first plate assembly and the second plate assembly form a cavity having an initial volume in which the cavernous members are arranged; shock and vibrations passing between the first structure and the second structure will cause the first plate assembly and the second plate

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assembly to move relative to each other and reduce the initial volume of the cavity and thus compress the cavernous members; wherein the compression of the cavernous members will exert pressure against the first plate assembly and the second plate assembly to absorb the shock and vibration; and wherein the system operates to absorb shocks and vibrations which cause the first plate assembly and the second assembly will move closer together and further apart from each other. Note the presence of cavernous elements above and below the second plate assembly 14.

Re-claim 8, the first plate assembly is illustrated as a metal.

Re-claim 9, the elastic material is rubber, see page 2 line 2.

Re-claims 10 and 19, the arrangement of the elastic cavernous members act as a primary positioning system, a first end is connected to the first plate assembly and a second end is connected to the second plate assembly, the primary positioning system will maintain the first and second plate assemblies in respective initial positions to maintain an initial volume of the cavity; the positioning system provides a preloaded resistance against the first plate assembly and the second plate assembly thus preventing relative movement between the first plate assembly and the second plate assembly when the positioning system experiences shock and vibration weaker than the preloaded resistance.

Re-claim 11, the primary positioning system is arranged in the cavity.

Re-claim 12, the elastic members of Crane are filled with gas under pressure. Nitrogen is a commonly used gas for pressurizing elastic hollow elements used in shock and vibration absorption devices.

Re-claim 13, the shock and vibration system further comprises a shelving assembly, see figure 9, comprising an outer structure connected to the first plate 5; an inner structure 13 is

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within the outer structure and is connected to the second plate assembly 14; the inner structure is suspended by the second plate assembly within the outer structure.

Re-claim 14, the outer structure is viewed as a cabinet and the rod of the inner structure is a frame element.

Re-claim 15, the aperture in end cap 10 is a track system, in that it keeps each of the structures moving in a predetermined manner.

Re-claim 21, Crane discloses a method of attenuating shock and vibration between a first structure and a second structure, comprising: bringing a first plate assembly 5 and/or 10 together with a second plate assembly 14 to form a cavity having an initial volume; arranging a plurality of cavernous elastic members 7 in the cavity; uniting the second plate assembly and the second structure; allowing shock and vibration to cause the first plate assembly and the second plate assembly to move relative to each other, thus reducing the initial volume of the cavity and compress the elastic members; the compression of the elastic members exerts pressure against the first and second plate assembly thus absorbing vibrations; wherein the system operates to absorb vibrations which cause the first plate assembly and the second plate assembly to move closer together and further apart from each other.

Re-claim 22, a first end of a primary positioning system is secured to the first plate assembly; a second end of the primary positioning system is secured to the second plate assembly; the primary positioning system provides a preloaded resistance against the first plate assembly and the second plate assembly so as to prevent relative movement between the first plate assembly and the second plate assembly when the vibrations are weaker than the preloaded

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resistance. The collection of cavernous elements will act as a primary positioning system and maintain the first and second plate assemblies at predetermined positions.

Re-claim 23, the first plate assembly 5 is united with an outer structure 3; an inner structure 13 is suspended from the second plate assembly within the outer structure.

Re-claim 24, a track system is broadly defined as a structural element for keeping two related elements confined to each other. The inner structure 13 is confined for a predetermined movement relative to the outer structure by the aperture located in end cap 10.

Re-claim 28, Crane discloses a shock and vibration absorbing system, comprising: a first support device 5; a second support device 14 movably juxtaposed to the first support device; elastic members; the first support device and the second support device form a cavity filled with the elastic members, movement of the support devices causes compression of the elastic members; the system absorbs shocks and vibrations which cause the first support device and the second support device to move closer and farther apart from one another.

Re-claim 29, Crane discloses a shock and vibration absorbing system, comprising: a first containment means; a second containment means movably juxtaposed to the first containment means; a compressible medium; the containment means form a cavity for the compressible medium; the system is designed to absorb shocks and vibrations.

Re-claim 30, the system comprises a shock and absorbing shelving assembly, comprising: an outer structure 3 connected to the first containment means 5, an inner structure 13 within the outer structure and connected to the second containment means, the inner structure is suspended within the outer structure.

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Re-claim 31, Crane discloses a method of attenuating shock and vibration between two structures, comprising: forming a cavity with an initial volume by combining a first support device and a second support device; arranging an elastic member in the cavity; attaching the first support to the first structure; attaching the second support to the second structure; the method operates to absorb vibrations which cause the first support device and the second support device to move closer and farther apart from each other.

Re-claim 32, Crane discloses a method of attenuating shock and vibration between two support structures, comprising: forming a cavity with an initial volume by combining a first containment means and a second containment means; arranging a compressible medium in the cavity; attaching the first containment means to the first support structure; attaching the second containment means to the second support structure; the method operates to absorb vibrations which cause the first containment means and the second containment means to move closer and farther apart from each other.

Allowable Subject Matter

6. Claims 2-7, 16-18 and 25-27 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

7. Applicant's arguments with respect to claims 1-32 have been considered but are moot in view of the new ground(s) of rejection.

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Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Hough teaches a shock and vibration absorption system having cavernous elastic members disposed between first and second support plates. Garnjost teaches a shock and vibration isolating mount.

9. Any inquiries concerning this communication or earlier communications from the examiner should be directed to Thomas Williams whose telephone number is (703) 305-1346. The examiner can normally be reached on Monday-Thursday from 6:30 AM to 4:00 PM. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Lavinder, can be reached at (703) 308-3421. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-7687.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

TJW

June 23, 2003

**THOMAS WILLIAMS
PATENT EXAMINER**

Thomas Williams

AU 3683

6-23-03